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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,210	12/30/2003	Sang-Do Park	11038-180-999	1859

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EXAMINER
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BURNHAM, SARAH C

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/749,210

Applicant(s)

PARK, SANG-DO

Examiner

Sarah C. Burnham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgement is made of applicant's claim for foreign priority based on application number 10-2003-0073381 filed in Korea on October 21, 2003.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

3. The information referred to in the information disclosure statements filed on June 4, 2004 has been considered as to the merits.

### ***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Use of the phrase "the invention" should be avoided.

***Claim Objections***

5. Claims 1-3 are objected to because of the following informalities:
- It appears as if the word - -a - - should be inserted before the phrase "front mounting part" (claim 1, line 2) and before the phrase "rear mounting part" (claim 1, line 5).
  - It appears as if the word "an" (second instance in line 7 of claim 1) should be replaced with the word - -a - -.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following words/phrases lack sufficient antecedent basis:

- the lower side (claim 1, line 3)
- the front (claim 2, line 1)

In line 6 of claim 3, Applicant recites that the "rotating pin is mounted thereunder with a guide pin for passing through the upper part and the lower part, and a guide groove is formed at the upper part so as to be rotated relative to said rotating pin." It is unclear whether or not there are two pins, a rotating pin and a guide pin, disposed

separately from each other. It is also unclear where the rotating pin is mounted.

Thereunder where? Clarification is requested.

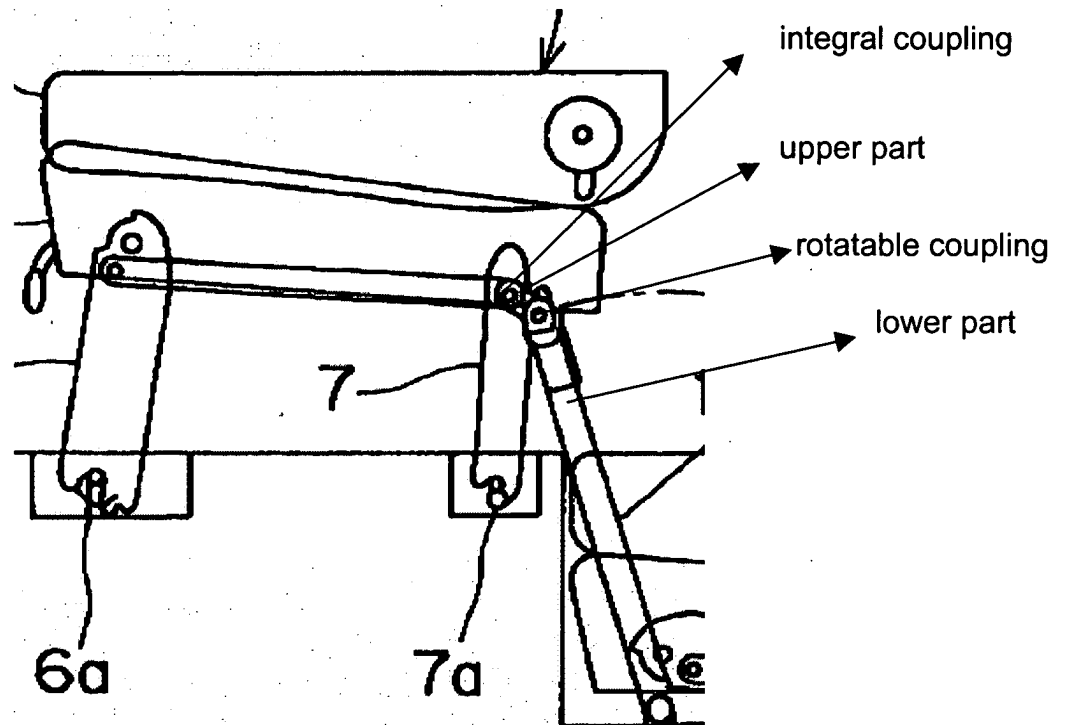
***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claim 1 is rejected as best understood with the above cited indefiniteness under 35 U.S.C. 102(e) as being anticipated by Sugiura et al. (6,644,730). Sugiura et al. discloses a sinking seat (1) for a vehicle, comprising: a front mounting part (unlabeled) composed of catch legs (6), each catch leg having a catch (unlabeled) encompassing and being coupled to a striker (6a) for supporting the lower side of a cushion (1a); a rear mounting part (unlabeled) having grooved legs (7), each grooved leg having a coupling groove (unlabeled) into which a striker (7a) inserted; and a rear leg (10) integrally coupled to said grooved leg (7) at a pivot point (unlabeled). Said rear leg (10) includes a lower part rotatably coupled to an upper part. See the labeled figure below.



***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2 is rejected as best understood with the above cited indefiniteness under 35 U.S.C. 103(a) as being unpatentable over Sugiura et al. (6,644,730) in view of Seibold et al. (6,375,245). As disclosed above, Sugiura et al. discloses all claimed

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elements with the exception of a coupling groove made of a rubber component and an elastomer component.

Seibold teaches the use of a coupling groove (42) having two portions (i.e. see Figure 2, it has a main body and a peripheral edge) constructed of rubber, which is an elastomer.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the materials taught by Seibold to construct the coupling groove disclosed by Sugiura. These materials are readily known in the art to provide cushioning to contacting metal components cutting down of friction and the chance of sparks forming as a result of the components rubbing together.

#### ***Allowable Subject Matter***

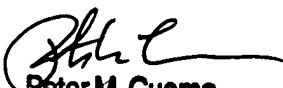
12. Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Imajo et al. (2004/0169404) ; Maruta et al. (6,375,255) ; Lebault

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et al. (4,227,736) ; Cannera et al. (5,195,795) ; Farino (5,644,937) ; Ban et al.  
(5,839,773) ; Nakamura et al. (6,182,771) ; Nishimura et al. (6,279,982) ; Kammerer  
(6,655,738).

  
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